

## REMARKS

Claims 1-11 are present in the instant application. In the most recent Office Action, claims 1-11 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-3 of U.S. Patent No. 6,644,464. In addition the abstract was objected to for language and format.

By the above amendment, the abstract has been amended to comply with 37 C.F.R. § 1.72 without affecting the scope of the claims. Favorable reconsideration and withdrawal of the objection to the Abstract is kindly requested.

With respect to the rejection of the claims for obviousness-type double patenting, filed concurrently herewith is a statutory terminal disclaimer under 37 CFR § 1.321 and fee under 37 C.F.R. §1.20(d). Therefore, Applicant respectfully submits that the rejection has been obviated, and kindly requests favorable reconsideration and withdrawal of the rejection.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early indication of allowability of all claims.

Respectfully Submitted,



David J. Torrente  
Registration No. 49,099

Scully, Scott, Murphy & Presser  
400 Garden City Plaza, Suite 300  
Garden City, NY 11530  
Telephone: (516) 742-4343  
DJT:nf